

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on* Courts and Criminal Code, to which was referred House Bill 1521, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 motor vehicles and local government.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 9-26-1-1, AS AMENDED BY P.L.210-2005,
- 7 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2007]: Sec. 1. The driver of a vehicle involved in an accident
- 9 that results in the injury or death of a person **or the entrapment of a**
- 10 **person in a vehicle** shall do the following:
- 11 (1) Immediately stop the **driver's** vehicle at the scene of the
- 12 accident or as close to the accident as possible in a manner that
- 13 does not obstruct traffic more than is necessary.
- 14 (2) Immediately return to and remain at the scene of the accident
- 15 until the driver does the following:
- 16 (A) Gives the driver's name and address and the registration

- 1 number of the vehicle the driver was driving.
- 2 (B) Upon request, exhibits the driver's license of the driver to
- 3 the following:
- 4 (i) The person struck.
- 5 (ii) The driver or occupant of or person attending each
- 6 vehicle involved in the accident.
- 7 (C) Determines the need for and renders reasonable assistance
- 8 to each person injured **or entrapped** in the accident, including
- 9 the removal or the making of arrangements for the removal of
- 10 each:
- 11 (i) injured person to a physician or hospital for medical
- 12 treatment; **and**
- 13 **(ii) entrapped person.**
- 14 (3) Immediately give notice of the accident by the quickest means
- 15 of communication to one (1) of the following:
- 16 (A) The local police department if the accident occurs within
- 17 a municipality.
- 18 (B) The office of the county sheriff or the nearest state police
- 19 post if the accident occurs outside a municipality.
- 20 (4) Within ten (10) days after the accident, forward a written
- 21 report of the accident to the:
- 22 (A) state police department, if the accident occurs before
- 23 January 1, 2006; or
- 24 (B) bureau, if the accident occurs after December 31, 2005.
- 25 SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE
- 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 27 1, 2007]: **Sec. 1.5. (a) If the driver of a vehicle is physically**
- 28 **incapable of giving immediate notice of an accident as required by**
- 29 **section 1(3) of this chapter and there is another occupant in the**
- 30 **vehicle at the time of the accident capable of giving the notice, the**
- 31 **occupant shall do the following:**
- 32 **(1) Immediately give notice of the accident by the quickest**
- 33 **means of communication to one (1) of the following:**
- 34 **(A) The local police department if the accident occurs**
- 35 **within a municipality.**
- 36 **(B) The office of the county sheriff or the nearest state**
- 37 **police post if the accident occurs outside a municipality.**
- 38 **(2) Determine the need for and render reasonable assistance**

1           **to each person injured or entrapped in the accident, including**  
 2           **the removal or the making of arrangements for the removal**  
 3           **of each:**

4                 **(A) injured person to a physician or hospital for medical**  
 5                 **treatment; and**

6                 **(B) entrapped person.**

7           **(b) If there is more than one (1) occupant in a vehicle described**  
 8           **in subsection (a), it is a defense to a prosecution under this section**  
 9           **that the accused occupant reasonably believed another occupant in**  
 10          **the vehicle gave the notice and assistance not given by the driver.**

11          SECTION 3. IC 9-26-1-2, AS AMENDED BY P.L.210-2005,  
 12          SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13          JULY 1, 2007]: Sec. 2. The driver of a vehicle involved in an accident  
 14          that does not result in injury or death of a person **or the entrapment**  
 15          **of a person in a vehicle** but that does result in damage to a vehicle that  
 16          is driven or attended by a person shall do the following:

17                 (1) Immediately stop the vehicle at the scene of the accident or as  
 18                 close to the accident as possible in a manner that does not  
 19                 obstruct traffic more than is necessary.

20                 (2) Immediately return to and remain at the scene of the accident  
 21                 until the driver does the following:

22                         (A) Gives the driver's name and address and the registration  
 23                         number of the vehicle the driver was driving.

24                         (B) Upon request, exhibits the driver's license of the driver to  
 25                         the driver or occupant of or person attending each vehicle  
 26                         involved in the accident.

27                 (3) If the accident results in total property damage to an apparent  
 28                 extent of at least one thousand dollars (\$1,000), forward a written  
 29                 report of the accident to the:

30                         (A) state police department, if the accident occurs before  
 31                         January 1, 2006; or

32                         (B) bureau, if the accident occurs after December 31, 2005;  
 33                 within ten (10) days after the accident.

34          SECTION 4. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS  
 35          [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If:

36                 (1) the driver of a vehicle is physically incapable of making an  
 37                 ~~immediate~~ or a written report of an accident as required by this  
 38                 chapter; and

(2) there was another occupant in the vehicle at the time of the accident capable of making ~~an immediate~~ or a written report; the occupant shall make or cause to be made the report not made by the driver.

(b) If:

(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;

(2) there was no other occupant; and

(3) the driver is not the owner of the vehicle;

the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.

SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who **knowingly, intentionally, or recklessly** violates section **1(2)(C)**, 1(3), **1.5**, 2(1), or 2(2) of this chapter commits a Class C misdemeanor."

Page 3, line 29, after "who," insert "**with intent to hinder a criminal investigation and**".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 8. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1) **and subject to subsection (c)**, when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying **a report that contains** the following **information**:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where

the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

**(b) A coroner shall complete a report described in subsection (a) not later than two (2) weeks after the date:**

**(1) the written autopsy report has been completed; or**

**(2) any other reports the coroner requested as part of the investigation of the death have been completed;**

**whichever occurs last.**

**(c) A prosecuting attorney may submit a written application to the appropriate circuit or superior court for an order that requires the coroner to keep a report described in subsection (a) confidential. If an application for an order is submitted to circuit court under this subsection, the report described in subsection (a) must be kept confidential until the circuit court rules on the application. The court may issue an order that requires a report described in subsection (a) to be kept confidential only if the prosecuting attorney demonstrates by a preponderance of the evidence that making information in the report available to the public will create a significant risk of harm to the investigation of the death. When ruling on an application for an order submitted under this subsection, the court shall state its reasons in writing for granting or denying the application. If a court issues an order under this subsection that restricts public access to a report described in subsection (a), the order must not:**

**(1) be any more restrictive; or**

**(2) apply any longer;**

**than is necessary to eliminate the significant risk of harm to the investigation of the death.**

**(d) If a court issues an order under subsection (c), any person may submit a written application to the court that requests the**

1 court to rescind the order. If an application to rescind an order is  
 2 submitted to a court under this subsection, the report described in  
 3 subsection (a) must be kept confidential until the court makes a  
 4 ruling concerning the application. A person who submits an  
 5 application to a court under this subsection shall notify the  
 6 appropriate prosecuting attorney that the application has been  
 7 submitted. A hearing concerning an application may be conducted  
 8 in camera to protect the confidentiality of information contained  
 9 in the report. The court may rescind an order issued under  
 10 subsection (c) only if the person who submitted the application  
 11 demonstrates by a preponderance of the evidence that:

- 12 (1) the public interest will be served by making information in
- 13 the report available to the public; and
- 14 (2) access to or dissemination of information in the report will
- 15 not create a significant risk of harm to the investigation of the
- 16 death.

17 When ruling on an application submitted under this subsection, the  
 18 court shall state its reasons in writing for granting or denying the  
 19 application.

20 ~~(b)~~ (e) A county coroner or a coroner's deputy who receives an  
 21 investigatory record from a law enforcement agency shall treat the  
 22 investigatory record with the same confidentiality as the law  
 23 enforcement agency would treat the investigatory record.

24 ~~(c)~~ (f) Notwithstanding any other provision of this section, a coroner  
 25 shall make available a full copy of an autopsy report, other than a  
 26 photograph, video recording, or audio recording of the autopsy, upon  
 27 the written request of the next of kin of the decedent or of an insurance  
 28 company investigating a claim arising from the death of the individual  
 29 upon whom the autopsy was performed. The insurance company is  
 30 prohibited from publicly disclosing any information contained in the  
 31 report beyond that information that may otherwise be disclosed by a  
 32 coroner under this section. This prohibition does not apply to  
 33 information disclosed in communications in conjunction with the  
 34 investigation, settlement, or payment of the claim.

35 ~~(d)~~ (g) Notwithstanding any other provision of this section, a  
 36 coroner shall make available a full copy of an autopsy report, other than  
 37 a photograph, video recording, or audio recording of the autopsy, upon  
 38 the written request of:

- 1 (1) the director of the division of disability and rehabilitative  
2 services established by IC 12-9-1-1;  
3 (2) the director of the division of mental health and addiction  
4 established by IC 12-21-1-1; or  
5 (3) the director of the division of aging established by  
6 IC 12-9.1-1-1;  
7 in connection with a division's review of the circumstances surrounding  
8 the death of an individual who received services from a division or  
9 through a division at the time of the individual's death."  
10 Page 4, after line 23, begin a new paragraph and insert:  
11 "SECTION 16. [EFFECTIVE JULY 1, 2007] **IC 9-26-1-1,**  
12 **IC 9-26-1-6, and IC 9-26-1-9, all as amended by this act, and**  
13 **IC 9-26-1-1.5, as added by this act, apply only to crimes committed**  
14 **after June 30, 2007."**  
15 Renumber all SECTIONS consecutively.  
(Reference is to HB 1521 as introduced.)

**and when so amended that said bill do pass.**

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Representative Hoy